



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

AMENDED
FACT SHEET FOR S.B. 1660

crimes against children; dependencies; omnibus

Purpose

Makes changes related to crime against children, court reporting and who is considered to be in a position of trust to a minor. Requires schools to provide training on mandatory reporting laws.

Background

The criminal offenses of *sexual abuse* and *sexual conduct with a minor* treat the defendant uniquely in certain circumstances when that person is in a position of trust to the victim (A.R.S. §§ [13-1404](#) and [13-1405](#)). *Position of trust* means a person who is or was: 1) the minor's parent, stepparent, adoptive parent, legal guardian or foster parent; 2) the minor's teacher; 3) the minor's coach or instructor; 4) the minor's clergyman or priest; or 5) engaged in a sexual or romantic relationship with the minor's parent, adoptive parent, legal guardian, foster parent or stepparent ([A.R.S. § 13-1401](#)).

Unless an exception exists, the statute of limitations to bring a criminal prosecution for a class 2 felony through a class 6 felony is seven years ([A.R.S. § 13-107](#)). Statute enumerates various ways that a person commits child sex trafficking. Punishment for child sex trafficking ranges from a class 2 felony to a class 6 felony ([A.R.S. § 13-3212](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Provides that juvenile court orders do not take precedence over an order entered in the criminal court concerning an ongoing case that governs a criminal defendant's ability to contact the victim, the family of the victim or other minor children, if the criminal court finds that contact with other minor children would pose a risk of harm to those children.
2. Requires the Department of Child Safety (DCS), within 30 days after a dependent child who is at least eight years old is placed in out-of-home care, to ensure the child receives age-appropriate and developmentally appropriate materials and resources about sexual abuse, child sex trafficking and exploitation.
3. Requires the materials and resources provided by DCS to include a definition of sexual abuse, information about the dangers of online and in-person predators and methods for reporting abuse.
4. Allows the materials and resources to include a 24-hour hotline telephone number.

5. Requires the clerk of the court, by January 15 of each year, to compile a report on the number of civil actions that are filed by a person arising from an allegation of sexual conduct or sexual contact committed against a minor, including the age of the plaintiff in each case.
6. Requires the clerk of the court to submit the report to the Governor and the Legislature and to provide a copy to the Secretary of State.
7. Removes the statute of limitations for *child sex trafficking* and allows a criminal prosecution to be brought at any time.
8. Adds to the definition of a person who is in a *position of trust*:
 - a) a minor's grandparent, aunt or uncle;
 - b) any person who is at least 18 years old and who worked or volunteered for a religious organization that hosted events or activities where the minor was in attendance;
 - c) a person who engaged in a sexual or romantic relationship with the minor's grandparent, aunt, uncle or sibling;
 - d) a person who is related to the minor by blood or marriage within the third degree and who is at least 10 years older than the minor;
 - e) the minor's employer; and
 - f) an employee of a group home or residential treatment facility where the minor resides or has previously resided.
9. Defines *group home* as a child welfare agency that receives for care and maintenance a child who has been adjudicated dependent.
10. Allows a court to prohibit the direct questioning by a pro se defendant of a minor victim in specified prosecutions involving a minor victim if the court determines that direct questioning by the defendant would prevent the minor victim from being able to reasonably communicate.
11. Requires the State Board of Education (SBE) to establish best practices for social media and cellular telephone use between students and school personnel, including teachers, coaches and counselors.
12. Specifies that the SBE should encourage school district governing boards and charter school governing bodies to adopt policies that implement the best practices.
13. Requires the SBE to make the best practices available to both public and private schools.
14. Requires the Arizona Prosecuting Attorneys' Advisory Council to develop a statewide training curriculum on state mandatory reporting laws for public school personnel.
15. Requires each public school to require its personnel to complete the training on mandatory reporting laws.
16. Requires the Arizona Department of Education (ADE) to provide resources and materials that schools may use for the purposes of providing information on mandatory reporting laws to parents and students.

17. Requires ADE to make the training curriculum and materials available to public and private schools.
18. Specifies that private schools do not have to offer the training on mandatory reporting laws.
19. Makes technical and conforming changes.
20. Becomes effective on the general effective date.

Amendments Adopted by Committee

1. Modifies the definition of *position of trust*.
2. Provides that juvenile court orders do not take precedence over an order entered in the criminal court concerning an ongoing case that governs a criminal defendant's ability to contact the victim, the family of the victim or other minor children, if the criminal court finds that contact with other minor children would pose a risk of harm to those children.
3. Requires the Arizona Prosecuting Attorneys' Advisory Counsel, rather than ADE, to develop training materials for mandatory reporting laws.
4. Adds offenses that the court may prohibit a pro se defendant from questioning a minor victim.

Amendments Adopted by Committee of the Whole

- Further amends the definition of *position of trust* and removes proposed changes to the name of the offense *taking a child for the purpose of prostitution*.

Senate Action

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Prepared by Senate Research

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